**W.P. No. 1411 of 2006 (S/S)**
**With**
**Stay App. No. 13888 / 06**

**Hon. P.C. Pant, J.**

Heard Mr. D.P. Shukla, learned counsel for the petitioner, Mr. Paresh Tripathi, learned Brief Holder for State of Uttaranchal and Mrs. Bina Pande, learned Standing Counsel for State of U.P.

By means of this petition, the petitioner has sought writ in the nature of mandamus commanding respondent No. 3 to release his salary with consequential service benefits.

The annexures filed with the petition disclose that the petitioner, who was an Assistant Sub Inspector (M) with the Police Department of State of U.P., absented from duty for a period of 170 days and did not join his duty, as per the posting order, at Nainital, in the year 1996. A departmental enquiry was initiated against the petitioner and he was found guilty of the charge. The order passed by the authorities dismissing the petitioner from service discloses that the petitioner earned as many as thirteen adverse entries in his carrier of thirteen years (including five adverse entries relating to the absence from duty without leave).

This petition is being filed after almost nine years without sufficient explanation for the latches on the part of the petitioner.

In the above circumstances, this petition is liable to be dismissed. The same is dismissed in limine.

Stay Application No. 13888 of 2006 also stands disposed of.

**(P.C. Pant, J.)**
15.11.2006

HN